



DHS and Local AHJ Dynamics

2015 Winter Code Updates

The Authority Having Jurisdiction

- CMS
- State of Wisconsin
- Municipality
- Fire Department
- ...Design Professional in Responsible Charge



Centers for Medicare & Medicaid Services (CMS)

- Health Care Facility
- LSC Surveyor
- Surveyor Supervisor
- State Agency
 - CMS Regional Office
 - CMS Central Office
 - Administrator, CMS
 - Secretary of DHHS Washington DC



CMS Charging Language...

- Hospitals
- Social Security Act – s. 1861(e)(9)
- Code of Federal Regulation (CFR)
- ...42 CFR 482.41(b)

CMS Charging Language...

- Skilled Nursing Facilities / Nursing Facilities
- SNF - Social Security Act – Title XVIII s. 1819(d)(2)
- NF - Social Security Act – Title XIX s. 1919(c)(2)
- Code of Federal Regulation (CFR)
- ...42 CFR 483.70(a)



The CMS Regulatory Bookshelf

- Life Safety Code – 2000 NFPA 101
- Mandatory References
 - NFPA 13
 - NFPA 72
 - NFPA 99
 - etc



The CMS Regulatory Model

- Survey
- Statement of Deficiency
- Plan of Correction
- Waiver
- JCAHO Accreditation
 - Validation Survey



Wisconsin Charging Language...

- State Statute 101.12 ...except for plans that are reviewed by the department of health and family services under ss. 50.02 (2) (b) and 50.36 (2)
- SPS 361.01 ...under subch. I of ch. 101, Stats., the purpose of this code...health, safety and welfare...public buildings and places of employment.



Wisconsin Regulatory Bookshelf

- Under the Wisconsin Commercial Bldg Code 2009 Editions...
 - The International Building Code
 - The International Energy Conservation Code
 - The International Mechanical Code
 - The International Fuel Gas Code
 - The International Existing Building Code



DSPS Regulatory Bookshelf

- Under MOU
 - Elevators
 - Electrical
 - Plumbing
 - Pressure Vessels



Wisconsin Regulatory Bookshelf

- Under the Department of Health Services
- DHS 124.28 and 132.82
2000 Edition...
 - NFPA 101 Life Safety Code
 - Mandatory References

So when can I build?

- Under State Statute 101...
 - All local officers not authorized by the department to grant approvals must deny permits or licenses for construction or use of public buildings, public structures and places of employment until the required drawings and calculations have been examined by the department.



Department Authorization

- In Accordance with Statute s. 101.12 (3) as prescribed by s. SPS 361.60; cities, villages, towns and counties may examine building plans and inspect buildings on behalf of the State of Wisconsin.



The State AHJ Specific to DHS

- Does...
 - Examine Plans
 - Conduct Inspections
 - License care facilities
- May...
 - Identify Compliance Concerns
- Does Not...
 - Issue Permits
 - Issue Certificates of Occupancy

Protecting and promoting the health and safety of the people of Wisconsin



The Authority Having Jurisdiction

- SPS 361.03...pursuant to s. 101.02 (7), Stats...a city, village, town or local board of health may enact and enforce additional or more restrictive standards for public buildings and places of employment, provided the standards do not conflict with this code.

The Authority Having Jurisdiction

- SPS 361.03...pursuant to s. 101.02 (7), Stats...nothing in this code affects the authority of a municipality to enact and enforce standards relative to land use, zoning or regulations.

The Municipal AHJ

- May conduct additional reviews
- May require board review
- May issue permits
- May conduct inspections
- May issue orders to correct
- May issue certificates of occupancy

The Municipal Fire Authority

- May conduct additional reviews
- May require board review
- May issue permits
- May conduct inspections
- May issue orders to correct
- May issue certificates of occupancy



The Third Party AHJ

- Contracted Building Code Official
 - Independent Agency
- Municipal Fire Authority
 - North Shore Fire Department



The Role of the Design Professional

- ...not the Authority Having Jurisdiction
- But, the Design Professional In Responsible Charge
- SPS 361.31 Seal and Signature
- SPS 361.40 Supervision
- SPS 361.40 Compliance Statement



The Role of the Design Professional

- ...not the Authority Having Jurisdiction
- Design Professional's Role as the First Step
- Design Professional's Role as the Resolve



Multiple AHJ's

- CMS
- State of Wisconsin
- Municipality
- Fire Department
- Design Professional's Role

Multiple AHJ's

- What is the Rule Set?
- Who has authority over that Rule Set?
- Who is Responsible?
- Who will Resolve?



Thank You!
